

Notice of Agency Rulemaking Proposal

AGENCY: Department of Health and Human Services, Maine Center for Disease Control and Prevention

CHAPTER NUMBER AND TITLE: (1) Chapter 257- Schedule Of Charges For Testing And Services Provided By The Maine Health And Environmental Testing Laboratory; (2) Chapter 233 – Rules Relating to Testing Private Water Systems for Hazardous Contaminants

TYPE OF RULE (*check one*): ☒ Routine Technical ☐ Major Substantive

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY: This proposed routine technical rule proposes to repeal and replace the existing 10-144 CMR chapter 257, as well as repeal 10-144 CMR chapter 233 Rules Relating to Testing of Private Water Systems For Potentially Hazardous Contaminants. Chapter 233 includes outdated information about the waiving of Health and Environmental Testing Laboratory (HETL) fees incurred from testing of private residential water supplies for potentially hazardous contaminants. This information is addressed in the proposed rulemaking for chapter 257, which is proposing to implement a new fee schedule for testing performed by HETL. These test fees include but are not limited to the chemical and microbiological testing and examination of food products, public and private drinking water surface water and well samples, and environmental and forensic samples; the examination of cases and suspected cases of infectious and communicable diseases; and other public health services required by the recently revised 22 MRS chapter 601, sub-ch 8. This rule proposes to adopt a formal rate setting methodology for HETL testing and services. This rule proposes to implement uniform testing recommendations, specifically for private residential well testing. Additionally, this rule proposes a specific fee that is mandated for the Private Well Safe Drinking Fund collection; and updates to lab reporting requirements, waiver considerations, and administrative costs that may be charged for licensing, manual data entry, and collection services.

Date, time and location of PUBLIC HEARING (*if any*): Not scheduled
During a State of Civil Emergency, public hearings requested pursuant to 5 MRS §8052, will be conducted in accordance with Public Law 2020 chapter 617.

COMMENT DEADLINE: Friday, April 24, 2020

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, email*): Bridget Bagley; 11 State House Station 286 Water St; Augusta, ME 04333; Tel: 287-9394; Fax: 287-2887; bridget.bagley@maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*):

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*):

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §§ 565(3), 2602-A, 2609, 2660-U, and 2660-X

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*):

AGENCY WEBSITE: <http://www.maine.gov/dhhs/mecdc/rules/>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: tera.pare@maine.gov

* Check one of the following two boxes.

☒ The summary provided above is for publication in both the newspaper and website notices.

☐ The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rulemaking notice posted on the Secretary of State's website. Title 5 §8053, sub-§3, ¶D & sub-§6.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT _____ DATE: _____

(authorized signature)

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